

1 GARCIA, SCHNAYERSON & THOMPSON
2 ATTORNEYS AT LAW
225 West Winton Avenue, Suite 208
3 Hayward, California 94544
3 Telephone: (510) 887-7445
4 Facsimile: (510) 887-0646
4 Email: www.gstcrimlaw.com

5 JESSE J. GARCIA (SB# 61223)
6 Attorney for Defendant
7 JOB TORRES HERNANDEZ

8
9 IN THE UNITED STATES DISTRICT COURT
10
11 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) CASE NO.: 17-CR-00462-JSW-1
12 Plaintiff,)
13 vs.) RESPONSE TO ORDER TO SHOW
14 JOB TORRES HERNANDEZ,) CAUSE
15 Defendant.)
16 _____ /)

16 Comes now Jesse J. Garcia, attorney for Job Torres-Hernandez, seeking relief from the
17 Order to Show Cause filed October 4, 2017.

18 Said request for relief is based on the accompanying Declaration and the records of the
19 captioned case already on file.
20

21 Dated: October 11, 2017

Garcia, Schnayerson & Thompson

22
23 /S/JESSE J. GARCIA _____
24 JESSE J. GARCIA
25 Attorney for Job Torres-Hernandez
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8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CASE NO.: 17-CR-00462-JSW-1
11 Plaintiff,) DECLARATION OF JESSE J. GARCIA
12 vs.)
13 JOB TORRES HERNANDEZ,)
14 Defendant.)
15 _____ /)

16 I am counsel for the defendant in the above-captioned matter. I deeply regret the
17 inconvenience and confusion to the court occasioned by my absence on October 3, 2017, the date
18 of Mr. Torres-Hernandez's initial appearance before this court.

19 My partner, Austin Thompson, has worked with me on this matter from the date Mr.
20 Torres-Hernandez' family first contacted our office on August 29, 2017. Mr. Thompson
21 prepared the case for the detention hearing before Magistrate Judge Kandis A. Westmore, heard
22 on September 8, 2017. Mr. Thompson has participated in every aspect of Mr. Torres-Hernandez'
23 matter in our office prior to the October 3, 2017 court appearance.

24 I was in Portland, Oregon meeting with A.U.S.A. Kemp Strickland and my client,
25 Marcial Aguirre in U.S.A. v. Marcial Aguirre, Case No.: 16-CR-00400 on October 3, 2017
26 through October 4, 2017.

We had been awaiting the receipt of discovery requested in writing on September 15, 2017 in the Torres-Hernandez case and had arranged with A.U.S.A. Shailika Kotiya to receive the initial discovery material at the time of the initial appearance.

Mr. Torres-Hernandez was neither surprised or compromised by my absence on October 3, 2017. Mr. Thompson was thoroughly prepared to represent Mr. Torres-Hernandez on October 3, 2017 and to discuss all matters referred to in the courts standing order with authority to enter into stipulations, agree to further scheduling dates, and address any other issues regarding the Torres-Hernandez matter. Nonetheless, I am sorry that my absence on that date violated the letter, if not the spirit, of the court's standing order.

I take very seriously my obligations to the court and counsel as a member of the state and federal bar. I was admitted to this district's court following graduation from law school in 1974, and have endeavored to uphold its standards at all times. I have dedicated my career to serving traditionally undeserved members of our society whether due to indigency, language barriers, or any other factor that has served as a barrier to the courts.

Upon my graduation from law school, I accepted a post graduate Reginald Heber Smith Community law fellowship which was designed to provide high impact legal services to those often marginalized persons in society. In that capacity, I represented the National Organization of Women, NAACP, and other groups, as well as acting to reform the practices of San Joaquin County agencies in their leased housing program and under Title IX.

I followed my fellowship by joining the Alameda County Public Defenders Office where I provided indigent defense for over five and a-half years before leaving to join the private practice of criminal law in 1981.

I have never been sanctioned, held in contempt, cited for misconduct, or disciplined in any fashion in my nearly 44 years of practice and take my oath and obligations very seriously.

1 I say this only as an explanation of my absence and not as an excuse.

2 I am requesting the court set aside any contempt citation or sanction contemplated and
3 allow me to continue to represent Mr. Torres-Hernandez and all my other clients, in and out of
4 this district; unblemished by this misstep.

5 I declare under penalty of perjury the foregoing to be true and correct.

6

7 Dated: October 10, 2017

8

9 /S/JESSE J. GARCIA

10 JESSE J. GARCIA